

109TH CONGRESS  
2D SESSION

# H. R. 5722

To prevent the abuse and exploitation of older individuals.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. CHANDLER (for himself and Mr. KENNEDY of Minnesota) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prevent the abuse and exploitation of older individuals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Elder Abuse Preven-  
5       tion Act of 2006”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) The number of older Americans who are  
9       abused, neglected, or exploited is increasing, and a  
10      large percentage of elder abuse cases are not re-  
11      ported to Federal and State law enforcement au-  
12      thorities.

1           (2) The number of Americans aged 65 and  
2 older is projected to increase exponentially in the  
3 coming years, and many of these valued citizens will  
4 begin to constitute a vulnerable population at in-  
5 creased risk of abuse and exploitation in domestic  
6 and community-based settings.

7           (3) The projected increase in the number of  
8 Americans aged 65 and over is expected to result in  
9 a corresponding increase in the number of cases of  
10 elder abuse, which suggests an urgent need for com-  
11 prehensive consideration of means by which such  
12 abuse can be prevented, reported, and prosecuted by  
13 Federal and State authorities.

14          (4) Violent, physical, and sexual assaults upon  
15 older Americans are particularly abhorrent and  
16 should be prosecuted vigorously by Federal and  
17 State law enforcement authorities. Such acts should  
18 be deterred by appropriate penalties including en-  
19 hanced penalties and the elimination of parole for  
20 individuals convicted of violent sexual offenses  
21 against the elderly.

1 **SEC. 3. NO PAROLE FOR SEXUAL OFFENSES COMMITTED**  
2 **AGAINST THE ELDERLY OR FOR SEXUALLY**  
3 **VIOLENT PREDATORS.**

4 (a) IN GENERAL.—For each fiscal year after the ex-  
5 piration of the period specified in subsection (b)(1) in  
6 which a State receives funds for a program referred to  
7 in subsection (b)(2), the State shall have in effect through-  
8 out the State laws and policies that prohibit parole for  
9 any individual who is—

10 (1) convicted of a criminal sexual offense  
11 against a victim who is elderly, which shall include  
12 any such offense under State law for conduct that  
13 would constitute an offense under chapter 109A of  
14 title 18 had the conduct occurred in the special mar-  
15 itime and territorial jurisdiction of the United States  
16 or in a Federal prison; or

17 (2) a sexually violent predator, as such term is  
18 defined in section 14071(a)(3) of title 18, United  
19 States Code.

20 (b) COMPLIANCE AND INELIGIBILITY.—

21 (1) COMPLIANCE DATE.—Each State shall have  
22 not more than 3 years from the date of enactment  
23 of this Act to comply with subsection (a), except  
24 that—

25 (A) the Attorney General may grant an ad-  
26 ditional 2 years to a State that is making good

1 faith efforts to comply with such subsection;  
2 and

3 (B) the Attorney General shall waive the  
4 requirements of subsection (a) if compliance  
5 with such subsection by a State would be un-  
6 constitutional under the constitution of such  
7 State.

8 (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
9 year after the expiration of the period specified in  
10 paragraph (1), a State that fails to comply with sub-  
11 section (a) shall not receive 10 percent of the funds  
12 that would otherwise be allocated for that fiscal year  
13 to the State under Subpart 1 of Part E of title I  
14 of the Omnibus Crime Control and Safe Streets Act  
15 of 1968 (42 U.S.C. 3750 et seq.), whether charac-  
16 terized as the Edward Byrne Memorial State and  
17 Local Law Enforcement Assistance Programs, the  
18 Local Government Law Enforcement Block Grants  
19 Program, the Edward Byrne Memorial Justice As-  
20 sistance Grant Program, or otherwise.

21 (3) REALLOCATION.—Amounts not allocated  
22 under a program referred to in paragraph (2) to a  
23 State for failure to fully comply with subsection (a)  
24 shall be reallocated under that program to States  
25 that have not failed to comply with such subsection.

1 **SEC. 4. AMENDMENT TO THE FEDERAL SENTENCING**  
2 **GUIDELINES.**

3 (a) REQUEST FOR IMMEDIATE CONSIDERATION BY  
4 THE UNITED STATES SENTENCING COMMISSION.—Pur-  
5 suant to its authority under section 994(p) of title 28,  
6 United States Code, and in accordance with this section,  
7 the United States Sentencing Commission is requested  
8 to—

9 (1) promptly review the sentencing guidelines  
10 applicable to sexual offenses committed against the  
11 elderly;

12 (2) expeditiously consider the promulgation of  
13 new sentencing guidelines or amendments to existing  
14 sentencing guidelines to provide an enhancement for  
15 such offenses; and

16 (3) submit to Congress an explanation of ac-  
17 tions taken by the Sentencing Commission pursuant  
18 to paragraph (2) and any additional policy rec-  
19 ommendations the Sentencing Commission may have  
20 for combating offenses described in paragraph (1).

21 (b) CONSIDERATIONS IN REVIEW.—In carrying out  
22 this section, the Sentencing Commission is requested to—

23 (1) ensure that the sentencing guidelines and  
24 policy statements reflect the serious nature of such  
25 offenses and the need for aggressive and appropriate  
26 law enforcement action to prevent such offenses;

1           (2) assure reasonable consistency with other  
2 relevant directives and with other guidelines;

3           (3) account for any aggravating or mitigating  
4 circumstances that might justify exceptions, includ-  
5 ing circumstances for which the sentencing guide-  
6 lines currently provide sentencing enhancements;

7           (4) make any necessary conforming changes to  
8 the sentencing guidelines; and

9           (5) assure that the guidelines adequately meet  
10 the purposes of sentencing as set forth in section  
11 3553 (a)(2) of title 18, United States Code.

12       (c) EMERGENCY AUTHORITY AND DEADLINE FOR  
13 COMMISSION ACTION.—The United States Sentencing  
14 Commission is requested to promulgate the guidelines or  
15 amendments provided for under this section as soon as  
16 practicable, and in any event not later than the 180 days  
17 after the date of enactment of this Act, in accordance with  
18 the procedures set forth in section 21(a) of the Sen-  
19 tencing Reform Act of 1987, as though the authority  
20 under that Act had not expired.

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